

# PRINCE HENRY AT LITTLE BAY TELECOMS ACTION PLAN UPDATE 4 SEPTEMBER 2019

## CA Action Plan

**15 August** | The CA EC embarked on an action plan to seek support from those at the highest level, while continuing to work with Landcom:

- **Call John Brogden**, Landcom's CEO, to arrange a meeting to discuss all of the issues relating to Pivit, LBNCo and NBN Co, then follow up with a letter.
- **Call Paul Fletcher**, Minister for Communications, Cyber Safety and the Arts, to arrange a meeting to discuss removing the 'adequately served' tag, and asking for help with encouraging NBN to extend its network to Prince Henry in conjunction with its network rollout in neighbouring areas.
- **Call Rob Stokes**, State Minister for Planning and Public Spaces, (as suggested by Landcom) requesting support and a meeting. Follow up with a letter.
- **Call Matt Thistlethwaite**, Federal member for Kingsford Smith, to speak with Paul Fletcher's office on the CA's behalf and to speak with John Brogden. Arrange a meeting. Follow up with a letter.
- **Call Michael Daley**, State member for Maroubra, to speak with John Brogden on the CA's behalf. Arrange a meeting. Follow up with a letter.
- **Contact NBN Co**, to expedite the investigation and review of Landcom's request to include Prince Henry in its Little Bay roll out.
- **Advise Landcom** of the above action plan.

## Contacts made in line with the CA's Action Plan

- Call to John Brogden, Landcom CEO – he asked Tasha Burrell to speak with the CA. Tasha undertook to facilitate a meeting.
- Call to Paul Fletcher, Minister for Communications, Cyber Safety and the Arts – the CA was advised to put its request in writing.
- Call to Matt Thistlethwaite, Federal Member for Kingsford Smith – meeting arranged for 21 August.
- Call to Michael Daley, State Member for Maroubra – meeting arranged for 2 September.
- Email to Luke Williams, NBN Co offering CA assistance and requesting to be kept in the loop.

## Action still to be taken in line with the CA's Action Plan

- Contact to be made with Rob Stokes, State Minister for Planning and Public Space
- Follow up John Brogden re meeting
- Follow up Paul Fletcher re meeting

## Action timeline

### **21 August** | Meeting with Matt Thistlethwaite, Federal member for Kingsford Smith

Matt was very supportive, and undertook to speak with Paul Fletcher, Minister for Communications, Cyber Safety and the Arts, and with John Brogden, Landcom's CEO. The CA had

met with Matt some years ago on the problems with Pivit being a monopoly provider, so the matter was not unfamiliar to him.

### **21 August | Landcom advised its Prince Henry team had changed effective immediately**

New team comprises Greg Betts and Thomas Gianatti. The CA is no longer dealing with Tasha Burrell and Maureen Wade.

### **28 August | Meeting with new Landcom team**

A small group of Prince Henry Community Association Executive Committee Members as well as a resident familiar with IT issues met with the new Landcom team, Greg Betts and Thomas Gianatti. At that meeting, the Landcom undertakings list above were discussed. The following is a list of discussion points from that meeting

- Landcom's intention is to keep the CA happy, however they are unable to commit to a timeline.
- Landcom advised the course of action to progress the telecoms IT issues, both under way and planned. However, they emphasised that the issue was complex and would take time.
- Landcom's lawyers have sent an investigation letter to Pivit seeking a meeting. Before the meeting takes place, Pivit is required to establish its relationship with LBNCo, and Uniti Wireless, and how the recent purchase of LBNCo by Uniti Wireless affects those relationships. Potential breaches of the NMSA will also be discussed with Pivit.
- The CA nominated key issues to be determined including Prince Henry's 'adequately served' status, Pivit's contractual obligations, will Landcom establish a tender process to find a new provider, should NBN Co be unable to commit.
- NBN Co will be visiting Prince Henry, potentially on 4 September (TBC) to further its investigations into the practicality/viability of NBN Co extending its network to Prince Henry.
- Landcom advised it will write again to LBNCo seeking why they are installing infrastructure at Prince Henry without advice or agreement with Landcom or the CA. Previous communications to LBNCo have been ignored.
- The CA raised its desire to meet with Landcom's CEO, John Brogden. Greg Betts suggested his team could facilitate the meeting within the next 6-8 weeks. However, were the meeting to be held in the city rather than at Prince Henry, they may be able to facilitate a meeting sooner. The CA has already made contact with John Brogden's office and will follow up to arrange a meeting in the near future, 6-8 weeks being too long to wait.
- Greg suggested he'd accessed the telco information on the website. However, as much of Landcom's recent negotiations have been of a confidential nature, the CA suggested he speak with Maureen Wade who has been working practically full-time on the Prince Henry project until recently.
- Unlike recent Landcom activities relating to the Prince Henry telecoms problems, the new team advised it had no problem with the CA communicating negotiations with Landcom to the broader community via and Managing Agents and on the website.
- The CA emphasised that all Landcom communications were to be channelled through Susan Graham, EC Chair.
- The urgency for action was restated by several CA members. However, the Landcom team would not commit to a timeline or to provide specific information 'at this time'.
- The CA requested Landcom to continue to provide regular communications/updates – the previous team had provided updates several times each week. However, when

Landcom suggested that once a month would be adequate the CA rebutted with a request for a weekly update.

- The meeting concluded after approximately an hour with usual meeting goodwill and an undertaking by Landcom to keep the CA in the loop.

### **29 August | Letter emailed to Paul Fletcher, Minister for Communications, Cyber Safety and the Arts**

Letter dated 29 August 2019 attached together with details of background and history and an image of NBN Co's rollout in Little Bay.

### **31 August | Email to Luke Williams, NBN Co**

Email offering assistance/more information, suggesting a meeting when he's next at Prince Henry, and asking for the CA to be kept in the loop with developments on Landcom's negotiations with NBN Co in relation to Prince Henry telecoms.

### **2 September | Meeting with Michael Daley, State Member for Maroubra**

Michael was very supportive, and undertook to arrange a time for the CA to meet with John Brogden, Landcom's CEO. The CA had met with Michael some years ago on the problems with Pivit being a monopoly provider, so the matter was not unfamiliar to him.

### **4 September | NBN Co visits Prince Henry to begin a complete site survey**

Luke Williams, NBN Co, had advised that he and his team would be coming to Prince Henry to undertake a complete site survey, which would enable NBN Co to cost an infrastructure build accurately. As part of the investigations, NBN Co inspected two of the larger strata schemes.

- Site survey will take around a week to complete.
- Access to strata schemes requested (and granted) to identify works required.
- No access to comms room (Lot 1) required.
- This is the final action to complete a comprehensive report following broad investigations over the past months.
- One or two weeks after the site survey is completed, the report should be finalised.
- The provision of Foxtel and free to air TV are included in the brief.

## **LBNCo notice to enter the common property of larger strata schemes**

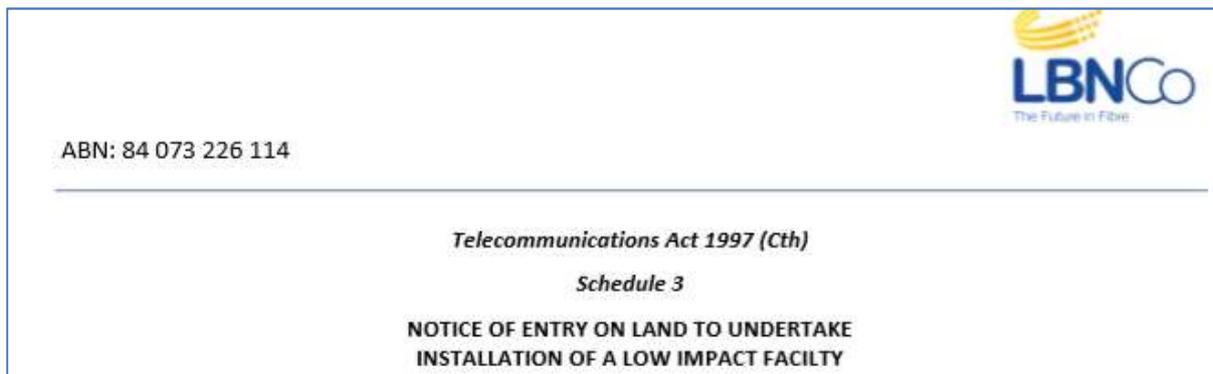
The CA has been advised that a number of strata schemes have been approached by LBNCo to carry out works on their private common property and/or by Pivit advising that LBNCo is a third-party contractor carrying out network duties.

Some strata schemes have responded in writing, refusing LBN Co access. Refer to the attached letter sent to LBNCo by Vinoso's managing agent.

No approach, that the CA is aware of, has been made to smaller strata schemes, neighbourhood associations, or individual houses.

The two approaches we're aware of are:

**1. LBNCo has issued a Notice of Entry to the strata scheme headed up:**



**2. Pivit has emailed strata schemes headed up 'Third Party Contractor Access' stating:**

'We are currently engaging LBNCo to perform adhoc and network duties around the Little Bay Precinct...'

In relation to these two approaches, the CA would advise the following:

- Landcom has a contract with Pivit to provide telecoms services the Prince Henry users (the Network Management Services Agreement), and has confirmed that under the terms of that agreement, Pivit is not allowed to contract third parties without Landcom's permission. Landcom has not granted permission for LBNCo to provide third party services or to access a strata scheme's common property at Prince Henry.
- If your strata scheme has not reached a commercial arrangement with LBNCo, and does not wish LBNCo to carry out the works they describe, your scheme can try objecting to entry based on that fact.
- If your scheme has further questions on how to object or how to proceed, you could consider contacting the Telecommunications Industry Ombudsman and/or could seek your own legal advice.
- If your scheme objects and the objection is deemed invalid or is overruled, your scheme does not have to sign up with LBNCo.